

Image

2876/4

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/597,917
	Filing Date	06/19/00
	First Named Inventor	Koenck
	Group Art Unit	2876
	Examiner Name	Jamara A. Franklin
	Attorney Docket Number	1772/14410US01

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached - \$180.00 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input checked="" type="checkbox"/> PTO 1449 (5 pages) with copies of 81 cited references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Reply postcard
<div>Remarks</div>		

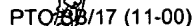
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Ronald H. Spuhler, Reg. No. 52,245 McAndrews Held & Malloy, Ltd.
Signature	<i>Ronald Spuhler</i>
Date	March 9, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2004

Name (Print/type)	Ronald H. Spuhler	Registration No. (Attorney/Agent)	52,245
Signature	<i>Ronald Spuhler</i>	Date	03/09/04



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Patent Fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\$180.00
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Complete if Known

Application Number	09/597,917
Filing Date	06/19/00
First Named Inventor	Koenck
Examiner Name	Jamara A. Franklin
Group Art Unit	2876
Attorney Docket No.	1772/14410US01

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number
Deposit
Account
Name

13-0017

McAndrews Held & Malloy

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
 See 37 CFR 1.27

2. ☒ **Payment Enclosed:**

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
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1001	770	2001	385	Utility filing Fee
1002	340	2002	170	Design filing Fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$0

2 EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> - 20** =	<input type="text"/> x	<input type="text"/> =	<input type="text"/>
Independent Claims	<input type="text"/> - 3** =	<input type="text"/> x	<input type="text"/> =	<input type="text"/>
Multiple Dependent			<input type="text"/> =	<input type="text"/>

Large Entity Small Entity

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	

1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

**or number previously paid, if greater: For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES


Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				

Other fee (specify)

SUBTOTAL (3)	(\$) 180.00
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SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Ronald H. Spuhler	Registration No. (Attorney or Agent)	52,245	Telephone	312-775-8000
Signature				Date	March 9, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Attorney Docket No. 14410US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Steven E. Koenck

Serial No. 09/597,917

Filed: June 19, 2000

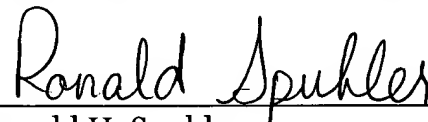
For: Modular Portable Data Processing
Terminal For Use In A Radio
Frequency Communication Network

Examiner: Jamara A. Franklin

Group Art Unit: 2876

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2003.



Ronald H. Spuhler
Reg. No. 52,245

**TRANSMITTAL OF INFORMATION DISCLOSURE
STATEMENT AFTER APPLICATION FILING DATE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following:

- * A completed PTO form 1449 (modified) which has five (5) pages.
- * A copy of each printed or patented reference listed in the enclosed form 1449 and not previously provided to or by the PTO in this application. Eighty one (81) references are enclosed.

FEE DETERMINATION

03/12/2004 SSESHE1 00000093 09597917

01 FC:1806

180.00 DP

* A fee of \$180.00 is due because:

- * The first Office action on the merits has been received by applicant(s).
- * Applicant(s) believe(s) that this statement and enclosures are being filed before any final action has been mailed by the PTO; before a notice of

allowance has issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appears to have been received by the undersigned to date.

FEE PAYMENT

The following arrangements have been made to pay the fees calculated above:

- * A check for \$180.00 is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

REQUEST FOR CONSIDERATION

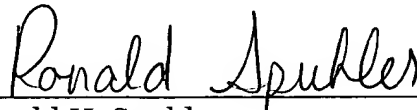
This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

All references submitted herewith were cited by Agere Systems, Inc. in connection with discovery in Agere Systems, Inc. v. Broadcom Corp., which is Civil Action No. 03-3138 in the Eastern District of Pennsylvania.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the enclosed PTO-1449 (modified) and return one copy to the applicants to indicate consideration of the enclosed references.

Respectfully submitted,

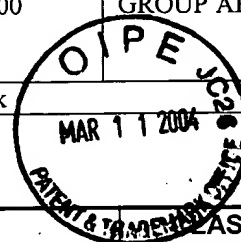


Ronald H. Spuhler
Reg. No. 52,245

Date: March 9, 2003

McAndrews, Held & Malloy
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
(312) 775-8000

FORM PTO-1449	SERIAL NO.: 09/597,917	CASE NO.: 1772/14410US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 06/19/00	GROUP ART UNIT: 2876
(use several sheets if necessary)	APPLICANTS: Koenck	



REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A2	4,519,068				
	A3	4,545,023				
	A4	4,680,787				
	A5	4,731,796				
	A6	4,737,975				
	A7	4,761,822				
	A8	4,777,657				
	A11	4,807,282				
	A12	4,817,115				
	A13	4,850,009				
	A14	4,890,832				
	A15	4,894,792				
	A16	4,916,441				

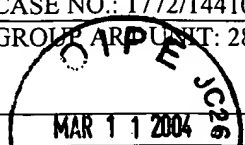
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C1	Bagby, <i>One Approach to Wireless Network Architecture</i> , Document P802.11/91-2
	C2	Biba, <i>A Hybrid Wireless MAC Protocol Supporting Asynchronous and Synchronous MSDU Delivery Services</i> , IEEE P802.11/91-92
	C3	Biba, <i>A Modest Proposal for a Asynchronous, Data Intensive, Wireless Local Area Network</i> , Document P802.11/91-25
	C9	Hoberecht, <i>A Layered Network Protocol for Packet Voice and Data Integration</i> , IEEE Journal on Selected Areas in Communications, Vol. SAC-1, No. 6 (Dec. 1993)
	C10	Rypinski, <i>Architecture – Topology and Protocol Stacks</i> , IEEE 802.11/91-21
	C11	Austin, <i>The Universal Port Concept</i> , AT&T Technical Journal (March/April 1989)

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
EXAMINER:				DATE CONSIDERED:		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO.: 09/597,917	CASE NO.: 1772/14410US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 06/19/00	GROUP ART UNIT: 2876
(use several sheets if necessary)	APPLICANTS: Koenck	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	SUBCLASS	FILING DATE
	A18	4,969,206				
	A21	5,008,879				
	A25	5,033,109				
	A27	5,055,660				
	A30	5,117,501				
	A33	5,123,029				
	A36	5,142,573				
	A39	5,153,878				
	A42	5,179,721				
	A43	5,181,200				
	A45	5,239,662				
	A46	5,241,542				
	A48	5,249,220				

FOREIGN PATENT DOCUMENTS

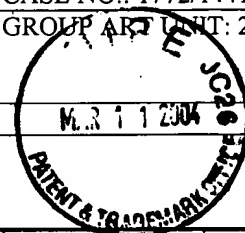
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C12	Baker, <i>CT2/CA1 Technology and the Common Air Interface, Colloquium on "CT2/CA1 AND DECT CORDLESS TELECOMMUNICATIONS"</i> (Nov. 1990)
	C13	Chia, <i>The Universal Mobile Telecommunication System</i> , IEEE Communications Magazine (Dec. 1992)
	C14	Digital European Cordless Telecommunications Reference Document (March 1991)
	C15	Epstein, <i>Application of Commercial Wireless LAN Technology to Forward Area Mobile Communication</i> , MILCOM '93
	C16	Grillo, <i>European Perspectives on Third Generation Personal Communication Systems</i> , 40 th IEEE Ventricular Technology Conference (May 1990)
	C17	Grillo, <i>Towards Third Generation Mobile Systems: A European Possible Transition Path</i> , Computer Networks and ISDN Systems (March 1993)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO.: 09/597,917	CASE NO.: 1772/14410US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 06/19/00	GROUP ART UNIT: 2876
(use several sheets if necessary)	APPLICANTS: Koenck	



REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A49	5,249,302				
	A50	5,265,238				
	A55	5,289,469				
	A56	5,291,516				
	A60	5,323,392				
	A61	5,331,509				
	A62	5,349,649				
	A64	5,363,121				
	A65	5,373,149				
	A69	5,406,615				
	A70	5,406,643				
	A71	5,418,837				
	A72	5,423,002				
	A73	5,426,637				
	A74	5,430,845				
	A75	5,438,329				

FOREIGN PATENT DOCUMENTS

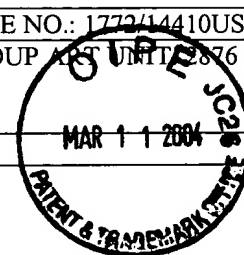
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C20	Rahnema, <i>Overview of the GSM System and Protocol Architecture</i> , IEEE Communications Magazine (April 1993)
	C21	Ramsdale, <i>Personal Communications --- Toward the Third Generation</i> , Third IEEE Conference on Telecommunications (1991)
	C22	Tuttlebee, <i>Cordless Telecommunications in Europe</i> (1990)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO.: 09/597,917	CASE NO.: 1773/14410US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 06/19/00	GROUP ART UNIT 8876
(use several sheets if necessary)	APPLICANTS: Koenck	



REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A78	5,481,265				
	A79	5,481,562				
	A80	5,533,029				
	A81	5,535,373				
	A82	5,544,222				
	A83	5,579,487				
	A85	5,628,055				
	A86	5,630,061				
	A87	5,680,633				
	A88	5,732,346				
	A89	5,796,727				
	A91	5,839,051				
	A92	4,855,905				
	A94	5,115,432				
	A95	5,212,684				
	A96	5,239,466				
	A97	5,247,520				


FOREIGN PATENT DOCUMENTS

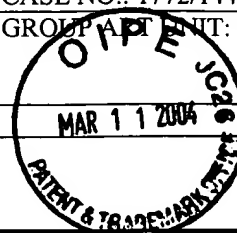
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 06/19/00	GROUP A PATENT: 2876
(use several sheets if necessary)	APPLICANTS: Koenck	



REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
						YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	

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